

REMARKS

Claims 1, 3-10, and 16-28 were pending in the application. Claims 1 and 6 have been amended. Claims 2 and 16-18 have been canceled.

ALLOWABLE SUBJECT MATTER

The Office Action allowed claim 28.

Claim 2 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Accordingly, Applicant has incorporated the allowable subject matter of claim 2 into independent claim 1.

The Office Action found that claims 6-10, 21, and 22 would be allowable if rewritten to overcome the rejections under 35 USC 112, second paragraph. Applicant has amended claim 6 to overcome the 112 rejections.

CLAIM REJECTIONS UNDER 35 USC §112

The Office Action rejected claims 6-10, 21, and 22 under 35 USC 112, second paragraph, as being indefinite. Applicant has amended claim 6 to address the 112 rejection.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 1, 3-5, 16-20, and 23-27 under 35 USC 103(a), as being unpatentable over Shen ('152) in view of Benesty et al. ('284).

Claim 1 has been amended to incorporate the allowable subject matter of claim 2;

therefore claim 1, as amended, is patentable over the cited references because neither Shen nor Benesty teach or suggest the claim element added by amendment.

Claims 3-5 are patentable over the cited references by virtue of their dependence on amended claim 1.

Claims 16-18 are canceled, thus mooted their rejection.

Claims 19-20 and 23-27 are patentable over the cited references by virtue of their dependence on amended claim 1.

Applicant thanks the Examiner for the finding of allowability and looks forward to receiving a Notice of Allowance.

The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner
Reg. No. 33,162

Date: April 15, 2009

Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)